

**IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

Leslie Nicole Knight and Alveza
Valenzuela, Individually and On
Behalf of Others Similarly Situated,

Plaintiffs,

V.

CIVIL ACTION NO. 5:24-cv-1097-XR

Thomas Jeneby, M.D. a/k/a "Dr. Boom Boom Pow," The Plastic and Cosmetic Center of South Texas, P.A., Palm Tree Plastic Surgi-Center, LLC, Trilogy by Dr. Jeneby, Inc., Advanced Medical Support Services, PLLC, Chrysalis Cosmetic Surgery Center, PLLC, South Texas Aesthetic Training LLC and Shining Palm Tree Series, LLC

Defendants.

DEFENDANTS' UNOPPOSED MOTION FOR EXTENSION OF TIME
TO FILE ANSWERS, OBJECTIONS, AND OTHER RESPONSIVE PLEADINGS TO
PLAINTIFFS' FIRST AMENDED COMPLAINT

TO THE HONORABLE UNITED STATES DISTRICT JUDGE:

COME NOW Defendants Thomas Jeneby, M.D. a/k/a “Dr. Boom Boom Pow;” The Plastic and Cosmetic Center of South Texas, P.A.; Palm Tree Plastic Surgi-Center, LLC; Trilogy by Dr. Jeneby, Inc.; Advanced Medical Support Services, PLLC; Chrysalis Cosmetic Surgery Center, PLLC; South Texas Aesthetic Training LLC; and Shining Palm Tree Series, LLC (collectively, “Original Defendants”) and file their Unopposed Motion for Extension of Time to File Answers, Objections, and Other Responsive Pleadings to Plaintiffs’ First Amended Complaint, respectfully showing the Court as follows:

1. Plaintiffs filed their First Amended Complaint (“Amended Complaint”) on March

11, 2025 in the United States District Court for the Western District of Texas - San Antonio Division. Plaintiffs allege violations of The Fair Labor Standards Act (“FLSA”). The current deadline for the Original Defendants to respond to the Amended Complaint is March 25, 2025.

2. The principal amendment to the Original Collective Action Complaint was the addition of Defendant Maximus Plastic Surgery Center, PLLC (“Maximus”) as a party. The undersigned counsel, who are also counsel for Maximus, executed and filed a Waiver of Service on March 17, 2025 for Maximus, whose deadline to file an answer, objections, or other responsive pleadings to the Amended Complaint is May 16, 2025. The parties are currently engaged in early settlement negotiation. Plaintiffs have agreed to extend the deadline for the Original Defendants to respond to the Amended Complaint until May 16, 2025—Maximus’ appearance deadline. This will allow the parties additional time to negotiate without the Original Defendants having to respond to the Amended Complaint until needed. This will also allow all Defendants to file one answer to the Amended Complaint at one time. Accordingly, Defendants respectfully request that the deadline for the Original Defendants to file answers, objections, and other responsive pleadings be extended to May 16, 2025. Defendants do not request this extension for the purpose of delay but so that they may adequately respond to the Amended Complaint.

3. Plaintiffs’ counsel has agreed to the requested extension of time.

4. A proposed Order granting the requested relief is being submitted with this Motion.

WHEREFORE, PREMISES CONSIDERED, Defendants Thomas Jeneby, M.D. a/k/a “Dr. Boom Boom Pow;” The Plastic and Cosmetic Center of South Texas, P.A.; Palm Tree Plastic Surgi-Center, LLC; Trilogy by Dr. Jeneby, Inc.; Advanced Medical Support Services, PLLC; Chrysalis Cosmetic Surgery Center, PLLC; South Texas Aesthetic Training LLC; and Shining Palm Tree Series, LLC request, without waiving any right to assert any defense or to file any

response permitted by the Federal Rules of Civil Procedure, an extension of time to file their answers, objections, and other responsive pleadings to Plaintiffs' First Amended Complaint until May 16, 2025.

Respectfully submitted,

/s/ Shavonne L. Smith

Tiffany Cox Stacy

State Bar No. 24050734

tiffany.cox@ogletree.com

Shavonne L. Smith

State Bar No. 24054956

shavonne.smith@ogletree.com

OGLETREE, DEAKINS, NASH, SMOAK
& STEWART, P.C.

112 East Pecan Street

2700 Weston Centre

San Antonio, Texas 78205

Telephone: 210.354.1300

Facsimile: 210.277.2702

ATTORNEYS FOR DEFENDANTS

CERTIFICATE OF CONFERENCE

On March 24, 2025, the undersigned counsel conferred with Plaintiffs' counsel, Josef Buenker, regarding Defendants' requested extension of time to file answers, objections, and other responsive pleadings, and Plaintiffs' counsel agreed to the requested extension of time sought herein and does not oppose the Motion.

/s/ Shavonne L. Smith

Shavonne L. Smith

CERTIFICATE OF SERVICE

I hereby certify that on the 24th day of March, 2025, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which will transmit a Notice of Electronic Filing to the following counsel of record:

Josef F. Buenker
The Buenker Law Firm
PO Box 10099
Houston, Texas 77206
jbuenker@buenkerlaw.com

Douglas B. Welmaker
Welmaker Law, PLLC.
409 N. Fredonia, Suite 118
Longview, Texas 75601
doug@welmakerlaw.com

/s/ Shavonne L. Smith

Shavonne L. Smith